

I regret today that the Democrats seem to have forgotten how many times they shut the government down.

# PRESIDENT SHOULD BE IN WASHINGTON, NOT ATTENDING FUND-RAISERS FOR DEMOCRAT CANDIDATES

(Mr. SOUDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, we have been hearing a lot of panicky people up here today on the other side. The truth is that the basic appropriations have been done for a long time. We have been held up over some disagreements that we have known that were going to come for a year. Yet the administration, apparently because a lot of staffers were running around working on apology statements or coming up with legal strategies, is only now starting to focus and dragging in day after day.

I want to go through one other thing. This is the President's schedule for this afternoon, when we are on the verge of a government shutdown:

At 2:45, he is going to make a statement on the South Lawn;

At 3:05, he boards Air Force One;

At 3:15, he heads for Andrews Air Force base;

When he gets to New York, he arrives at the Wall Street Landing Zone.

Then, at 5:05, he boards a motorcade that departs for Wall Street for a fundraiser at the Waldorf-Astoria Hotel;

At 5:05, he arrives at the Waldorf-Astoria Hotel;

At 5:55, he greets a reception in honor of a New York gubernatorial candidate;

At 6:30, he concludes his remarks; and

At 6:45, he goes over to the Hilton Towers for a fundraiser for the gentleman from New York (Mr. CHARLES SCHUMER).

He should be here, not at hotels in New York raising money.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

## CHILD PROTECTION AND SEXUAL PREDATOR PUNISHMENT ACT OF 1998

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill

(H.R. 3494) to amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

The Clerk read as follows:

### SENATE AMENDMENTS

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Protection of Children From Sexual Predators Act of 1998".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

Sec. 101. Use of interstate facilities to transmit identifying information about a minor for criminal sexual purposes.

Sec. 102. Coercion and enticement.

Sec. 103. Increased penalties for transportation of minors or assumed minors for illegal sexual activity and related crimes.

Sec. 104. Repeat offenders in transportation of offense.

Sec. 105. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.

Sec. 106. Transportation generally.

#### TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY

Sec. 201. Additional jurisdictional base for prosecution of production of child pornography.

Sec. 202. Increased penalties for child pornography offenses.

Sec. 203. "Zero tolerance" for possession of child pornography.

#### TITLE III—SEXUAL ABUSE PREVENTION

Sec. 301. Elimination of redundancy and ambiguities.

Sec. 302. Increased penalties for abusive sexual contact.

Sec. 303. Repeat offenders in sexual abuse cases.

#### TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS

Sec. 401. Transfer of obscene material to minors.

#### TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS

Sec. 501. Death or life in prison for certain offenses whose victims are children.

Sec. 502. Sentencing enhancement for chapter 117 offenses.

Sec. 503. Increased penalties for use of a computer in the sexual abuse or exploitation of a child.

Sec. 504. Increased penalties for knowing misrepresentation in the sexual abuse or exploitation of a child.

Sec. 505. Increased penalties for pattern of activity of sexual exploitation of children.

Sec. 506. Clarification of definition of distribution of pornography.

Sec. 507. Directive to the United States Sentencing Commission.

#### TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS

Sec. 601. Pretrial detention of sexual predators.

Sec. 602. Criminal forfeiture for offenses against minors.

Sec. 603. Civil forfeiture for offenses against minors.

Sec. 604. Reporting of child pornography by electronic communication service providers.

Sec. 605. Civil remedy for personal injuries resulting from certain sex crimes against children.

Sec. 606. Administrative subpoenas.

Sec. 607. Grants to States to offset costs associated with sexually violent offender registration requirements.

#### TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS

Sec. 701. Authority to investigate serial killings.

Sec. 702. Kidnapping.

Sec. 703. Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center.

#### TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES

Sec. 801. Prisoner access.

Sec. 802. Recommended prohibition.

Sec. 803. Survey.

#### TITLE IX—STUDIES

Sec. 901. Study on limiting the availability of pornography on the Internet.

Sec. 902. Study of hotlines.

#### TITLE I—PROTECTION OF CHILDREN FROM PREDATORS

#### SEC. 101. USE OF INTERSTATE FACILITIES TO TRANSMIT IDENTIFYING INFORMATION ABOUT A MINOR FOR CRIMINAL SEXUAL PURPOSES.

(a) *IN GENERAL.*—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

#### "§2425. Use of interstate facilities to transmit information about a minor

"Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both."

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

"2425. Use of interstate facilities to transmit information about a minor."

#### SEC. 102. COERCION AND ENTICEMENT.

Section 2422 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or attempts to do so," before "shall be fined"; and

(B) by striking "five" and inserting "10"; and

(2) by striking subsection (b) and inserting the following:

"(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both."

#### SEC. 103. INCREASED PENALTIES FOR TRANSPORTATION OF MINORS OR ASSUMED MINORS FOR ILLEGAL SEXUAL ACTIVITY AND RELATED CRIMES.

Section 2423 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) *TRANSPORTATION WITH INTENT TO ENGAGE IN CRIMINAL SEXUAL ACTIVITY.*—A person who knowingly transports an individual who

has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.”; and

(2) in subsection (b), by striking “10 years” and inserting “15 years”.

**SEC. 104. REPEAT OFFENDERS IN TRANSPORTATION OFFENSE.**

(a) **IN GENERAL.**—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

**“§2426. Repeat offenders**

“(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter.

“(b) **DEFINITIONS.**—In this section—

“(1) the term ‘prior sex offense conviction’ means a conviction for an offense—

“(A) under this chapter, chapter 109A, or chapter 110; or

“(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

“(2) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“2426. Repeat offenders.”.

**SEC. 105. INCLUSION OF OFFENSES RELATING TO CHILD PORNOGRAPHY IN DEFINITION OF SEXUAL ACTIVITY FOR WHICH ANY PERSON CAN BE CHARGED WITH A CRIMINAL OFFENSE.**

(a) **IN GENERAL.**—Chapter 117 of title 18, United States Code, is amended by adding at the end the following:

**“§2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense**

“In this chapter, the term ‘sexual activity for which any person can be charged with a criminal offense’ includes the production of child pornography, as defined in section 2256(8).”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 117 of title 18, United States Code, is amended by adding at the end the following:

“2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense.”.

**SEC. 106. TRANSPORTATION GENERALLY.**

Section 2421 of title 18, United States Code, is amended—

(1) by inserting “or attempts to do so,” before “shall be fined”; and

(2) by striking “five years” and inserting “10 years”.

**TITLE II—PROTECTION OF CHILDREN FROM CHILD PORNOGRAPHY**

**SEC. 201. ADDITIONAL JURISDICTIONAL BASE FOR PROSECUTION OF PRODUCTION OF CHILD PORNOGRAPHY.**

(a) **USE OF A CHILD.**—Section 2251(a) of title 18, United States Code, is amended by inserting “if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,” before “or if”.

(b) **ALLOWING USE OF A CHILD.**—Section 2251(b) of title 18, United States Code, is amended by inserting “, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer,” before “or if”.

(c) **INCREASED PENALTIES IN SECTION 2251(d).**—Section 2251(d) of title 18, United States Code, is amended by striking “or chapter 109A” each place it appears and inserting “, chapter 109A, or chapter 117”.

**SEC. 202. INCREASED PENALTIES FOR CHILD PORNOGRAPHY OFFENSES.**

(a) **INCREASED PENALTIES IN SECTION 2252.**—Section 2252(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking “or chapter 109A” and inserting “, chapter 109A, or chapter 117”; and

(2) in paragraph (2), by striking “the possession of child pornography” and inserting “aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography”.

(b) **INCREASED PENALTIES IN SECTION 2252A.**—Section 2252A(b) of title 18, United States Code, is amended—

(1) in each of paragraphs (1) and (2), by striking “or chapter 109A” and inserting “, chapter 109A, or chapter 117”; and

(2) in paragraph (2), by striking “the possession of child pornography” and inserting “aggravated sexual abuse, sexual abuse, or abusive sexual conduct involving a minor or ward, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography”.

**SEC. 203. “ZERO TOLERANCE” FOR POSSESSION OF CHILD PORNOGRAPHY.**

(a) **MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.**—Section 2252 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking “3 or more” each place that term appears and inserting “1 or more”; and

(2) by adding at the end the following:

“(c) **AFFIRMATIVE DEFENSE.**—It shall be an affirmative defense to a charge of violating paragraph (4) of subsection (a) that the defendant—

“(1) possessed less than 3 matters containing any visual depiction proscribed by that paragraph; and

“(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any visual depiction or copy thereof—

“(A) took reasonable steps to destroy each such visual depiction; or

“(B) reported the matter to a law enforcement agency and afforded that agency access to each such visual depiction.”.

(b) **MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.**—Section 2252A of title 18, United States Code, is amended—

(1) in subsection (a)(5), by striking “3 or more images” each place that term appears and inserting “an image”; and

(2) by adding at the end the following:

“(d) **AFFIRMATIVE DEFENSE.**—It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

“(1) possessed less than 3 images of child pornography; and

“(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

“(A) took reasonable steps to destroy each such image; or

“(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.”.

**TITLE III—SEXUAL ABUSE PREVENTION**

**SEC. 301. ELIMINATION OF REDUNDANCY AND AMBIGUITIES.**

(a) **MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.**—Section 2241(c) of title 18, United States Code, is amended by striking “younger than that person” and inserting “younger than the person so engaging”.

(b) **REDUNDANCY.**—Section 2243(a) of title 18, United States Code, is amended by striking “crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or”.

(c) **STATE DEFINED.**—Section 2246 of title 18, United States Code, is amended—

(1) in paragraph (5), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:

“(6) the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.”.

**SEC. 302. INCREASED PENALTIES FOR ABUSIVE SEXUAL CONTACT.**

Section 2244 of title 18, United States Code, is amended by adding at the end the following:

“(c) **OFFENSES INVOLVING YOUNG CHILDREN.**—If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term of imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.”.

**SEC. 303. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.**

Section 2247 of title 18, United States Code, is amended to read as follows:

**“§2247. Repeat offenders**

“(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

“(b) **PRIOR SEX OFFENSE CONVICTION DEFINED.**—In this section, the term ‘prior sex offense conviction’ has the meaning given that term in section 2426(b).”.

**TITLE IV—PROHIBITION ON TRANSFER OF OBSCENE MATERIAL TO MINORS**

**SEC. 401. TRANSFER OF OBSCENE MATERIAL TO MINORS.**

(a) **IN GENERAL.**—Chapter 71 of title 18, United States Code, is amended by adding at the end the following:

**“§1470. Transfer of obscene material to minors**

“Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 71 of title 18, United States Code, is amended by adding at the end the following:

“1470. Transfer of obscene material to minors.”.

**TITLE V—INCREASED PENALTIES FOR OFFENSES AGAINST CHILDREN AND FOR REPEAT OFFENDERS**

**SEC. 501. DEATH OR LIFE IN PRISON FOR CERTAIN OFFENSES WHOSE VICTIMS ARE CHILDREN.**

Section 3559 of title 18, United States Code, is amended by adding at the end the following:

“(d) **DEATH OR IMPRISONMENT FOR CRIMES AGAINST CHILDREN.**—

“(1) **IN GENERAL.**—Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if—

“(A) the victim of the offense has not attained the age of 14 years;

“(B) the victim dies as a result of the offense; and

“(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

“(2) EXCEPTION.—With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.”

#### **SEC. 502. SENTENCING ENHANCEMENT FOR CHAPTER 117 OFFENSES.**

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines to provide a sentencing enhancement for offenses under chapter 117 of title 18, United States Code.

(b) INSTRUCTION TO COMMISSION.—In carrying out subsection (a), the United States Sentencing Commission shall ensure that the sentences, guidelines, and policy statements for offenders convicted of offenses described in subsection (a) are appropriately severe and reasonably consistent with other relevant directives and with other Federal Sentencing Guidelines.

#### **SEC. 503. INCREASED PENALTIES FOR USE OF A COMPUTER IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines for—

(A) aggravated sexual abuse under section 2241 of title 18, United States Code;

(B) sexual abuse under section 2242 of title 18, United States Code;

(C) sexual abuse of a minor or ward under section 2243 of title 18, United States Code; and

(D) coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant used a computer with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in any prohibited sexual activity.

#### **SEC. 504. INCREASED PENALTIES FOR KNOWING MISREPRESENTATION IN THE SEXUAL ABUSE OR EXPLOITATION OF A CHILD.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to provide appropriate enhancement if the defendant knowingly

misrepresented the actual identity of the defendant with the intent to persuade, induce, entice, coerce, or facilitate the transport of a child of an age specified in the applicable provision of law referred to in paragraph (1) to engage in a prohibited sexual activity.

#### **SEC. 505. INCREASED PENALTIES FOR PATTERN OF ACTIVITY OF SEXUAL EXPLOITATION OF CHILDREN.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines on aggravated sexual abuse under section 2241 of title 18, United States Code, sexual abuse under section 2242 of title 18, United States Code, sexual abuse of a minor or ward under section 2243 of title 18, United States Code, coercion and enticement of a minor under section 2422(b) of title 18, United States Code, contacting a minor under section 2422(c) of title 18, United States Code, and transportation of minors and travel under section 2423 of title 18, United States Code; and

(2) upon completion of the review under paragraph (1), promulgate amendments to the Federal Sentencing Guidelines to increase penalties applicable to the offenses referred to in paragraph (1) in any case in which the defendant engaged in a pattern of activity involving the sexual abuse or exploitation of a minor.

#### **SEC. 506. CLARIFICATION OF DEFINITION OF DISTRIBUTION OF PORNOGRAPHY.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review the Federal Sentencing Guidelines relating to the distribution of pornography covered under chapter 110 of title 18, United States Code, relating to the sexual exploitation and other abuse of children; and

(2) upon completion of the review under paragraph (1), promulgate such amendments to the Federal Sentencing Guidelines as are necessary to clarify that the term “distribution of pornography” applies to the distribution of pornography—

(A) for monetary remuneration; or

(B) for a nonpecuniary interest.

#### **SEC. 507. DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.**

In carrying out this title, the United States Sentencing Commission shall—

(1) with respect to any action relating to the Federal Sentencing Guidelines subject to this title, ensure reasonable consistency with other guidelines of the Federal Sentencing Guidelines; and

(2) with respect to an offense subject to the Federal Sentencing Guidelines, avoid duplicative punishment under the Federal Sentencing Guidelines for substantially the same offense.

#### **TITLE VI—CRIMINAL, PROCEDURAL, AND ADMINISTRATIVE REFORMS**

##### **SEC. 601. PRETRIAL DETENTION OF SEXUAL PREDATORS.**

Section 3156(a)(4) of title 18, United States Code, is amended by striking subparagraph (C) and inserting the following:

“(C) any felony under chapter 109A, 110, or 117; and”.

##### **SEC. 602. CRIMINAL FORFEITURE FOR OFFENSES AGAINST MINORS.**

Section 2253 of title 18, United States Code, is amended by striking “or 2252 of this chapter” and inserting “2252, 2252A, or 2260 of this chapter, or who is convicted of an offense under section 2421, 2422, or 2423 of chapter 117,”.

##### **SEC. 603. CIVIL FORFEITURE FOR OFFENSES AGAINST MINORS.**

Section 2254(a) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking “or 2252 of this chapter” and inserting “2252, 2252A, or 2260 of this chapter, or used or intended to be used to commit or to promote the commission of an offense under section 2421, 2422, or 2423 of chapter 117,”; and

(2) in paragraph (3), by striking “or 2252 of this chapter” and inserting “2252, 2252A, or 2260 of this chapter, or obtained from a violation of section 2421, 2422, or 2423 of chapter 117,”.

#### **SEC. 604. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.**

(a) IN GENERAL.—The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by inserting after section 226 the following:

##### **“SEC. 227. REPORTING OF CHILD PORNOGRAPHY BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS.**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘electronic communication service’ has the meaning given the term in section 2510 of title 18, United States Code; and

“(2) the term ‘remote computing service’ has the meaning given the term in section 2711 of title 18, United States Code.

“(b) REQUIREMENTS.—

“(1) DUTY TO REPORT.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public, through a facility or means of interstate or foreign commerce, obtains knowledge of facts or circumstances from which a violation of section 2251, 2251A, 2252, 2252A, or 2260 of title 18, United States Code, involving child pornography (as defined in section 2256 of that title), is apparent, shall, as soon as reasonably possible, make a report of such facts or circumstances to a law enforcement agency or agencies designated by the Attorney General.

“(2) DESIGNATION OF AGENCIES.—Not later than 180 days after the date of enactment of this section, the Attorney General shall designate the law enforcement agency or agencies to which a report shall be made under paragraph (1).

“(3) FAILURE TO REPORT.—A provider of electronic communication services or remote computing services described in paragraph (1) who knowingly and willfully fails to make a report under that paragraph shall be fined—

“(A) in the case of an initial failure to make a report, not more than \$50,000; and

“(B) in the case of any second or subsequent failure to make a report, not more than \$100,000.

“(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing service to the public shall be held liable on account of any action taken in good faith to comply with this section.

“(d) LIMITATION OF INFORMATION OR MATERIAL REQUIRED IN REPORT.—A report under subsection (b)(1) may include additional information or material developed by an electronic communication service or remote computing service, except that the Federal Government may not require the production of such information or material in that report.

“(e) MONITORING NOT REQUIRED.—Nothing in this section may be construed to require a provider of electronic communication services or remote computing services to engage in the monitoring of any user, subscriber, or customer of that provider, or the content of any communication of any such person.

“(f) CONDITIONS OF DISCLOSURE OF INFORMATION CONTAINED WITHIN REPORT.—

“(1) IN GENERAL.—No law enforcement agency that receives a report under subsection (b)(1) shall disclose any information contained in that report, except that disclosure of such information may be made—

“(A) to an attorney for the government for use in the performance of the official duties of the attorney;

“(B) to such officers and employees of the law enforcement agency, as may be necessary in the performance of their investigative and record-keeping functions;

“(C) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of

the attorney in enforcing Federal criminal law; or

“(D) as permitted by a court at the request of an attorney for the government, upon a showing that such information may disclose a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law.

“(2) DEFINITIONS.—In this subsection, the terms ‘attorney for the government’ and ‘State’ have the meanings given those terms in Rule 54 of the Federal Rules of Criminal Procedure.”.

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

“(6) to a law enforcement agency—

“(A) if the contents—

“(i) were inadvertently obtained by the service provider; and

“(ii) appear to pertain to the commission of a crime; or

“(B) if required by section 227 of the Crime Control Act of 1990.”.

**SEC. 605. CIVIL REMEDY FOR PERSONAL INJURIES RESULTING FROM CERTAIN SEX CRIMES AGAINST CHILDREN.**

Section 2255(a) of title 18, United States Code, is amended by striking “2251 or 2252” and inserting “2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423”.

**SEC. 606. ADMINISTRATIVE SUBPOENAS.**

(a) IN GENERAL.—Chapter 223 of title 18, United States Code, is amended—

(1) in section 3486, by striking the section designation and heading and inserting the following:

**“§3486. Administrative subpoenas in Federal health care investigations”; and**

(2) by adding at the end the following:

**“§3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation**

**“(a) AUTHORIZATION.—**

**“(1) IN GENERAL.—**In any investigation relating to any act or activity involving a violation of section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title in which the victim is an individual who has not attained the age of 18 years, the Attorney General, or the designee of the Attorney General, may issue in writing and cause to be served a subpoena—

**“(A) requiring a provider of electronic communication service or remote computing service to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or**

**“(B) requiring a custodian of records to give testimony concerning the production and authentication of such records or information.**

**“(2) ATTENDANCE OF WITNESSES.—**Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

**“(b) PROCEDURES APPLICABLE.—**The same procedures for service and enforcement as are provided with respect to investigative demands in section 3486 apply with respect to a subpoena issued under this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3486 and inserting the following:

“3486. Administrative subpoenas in Federal health care investigations.

“3486A. Administrative subpoenas in cases involving child abuse and child sexual exploitation.”.

**SEC. 607. GRANTS TO STATES TO OFFSET COSTS ASSOCIATED WITH SEXUALLY VIOLENT OFFENDER REGISTRATION REQUIREMENTS.**

(a) IN GENERAL.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended—

(1) by redesignating the second subsection designated as subsection (g) as subsection (h); and

(2) by adding at the end the following:

**“(i) GRANTS TO STATES FOR COSTS OF COMPLIANCE.—**

**“(1) PROGRAM AUTHORIZED.—**

**“(A) IN GENERAL.—**The Director of the Bureau of Justice Assistance (in this subsection referred to as the ‘Director’) shall carry out a program, which shall be known as the ‘Sex Offender Management Assistance Program’ (in this subsection referred to as the ‘SOMA program’), under which the Director shall award a grant to each eligible State to offset costs directly associated with complying with this section.

**“(B) USES OF FUNDS.—**Each grant awarded under this subsection shall be—

“(i) distributed directly to the State for distribution to State and local entities; and

“(ii) used for training, salaries, equipment, materials, and other costs directly associated with complying with this section.

**“(2) ELIGIBILITY.—**

**“(A) APPLICATION.—**To be eligible to receive a grant under this subsection, the chief executive of a State shall, on an annual basis, submit to the Director an application (in such form and containing such information as the Director may reasonably require) assuring that—

“(i) the State complies with (or made a good faith effort to comply with) this section; and

“(ii) where applicable, the State has penalties comparable to or greater than Federal penalties for crimes listed in this section, except that the Director may waive the requirement of this clause if a State demonstrates an overriding need for assistance under this subsection.

**“(B) REGULATIONS.—**

**“(i) IN GENERAL.—**Not later than 90 days after the date of enactment of this subsection, the Director shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States must meet) in submitting the applications required under this subsection. In allocating funds under this subsection, the Director may consider the annual number of sex offenders registered in each eligible State’s monitoring and notification programs.

**“(ii) CERTAIN TRAINING PROGRAMS.—**Prior to implementing this subsection, the Director shall study the feasibility of incorporating into the SOMA program the activities of any technical assistance or training program established as a result of section 40152 of this Act. In a case in which incorporating such activities into the SOMA program will eliminate duplication of efforts or administrative costs, the Director shall take administrative actions, as allowable, and make recommendations to Congress to incorporate such activities into the SOMA program prior to implementing the SOMA program.

**“(3) AUTHORIZATION OF APPROPRIATIONS.—**There is authorized to be appropriated to carry out this subsection, \$25,000,000 for each of fiscal years 1999 and 2000.”.

(b) STUDY.—Not later than March 1, 2000, the Director shall conduct a study to assess the efficacy of the Sex Offender Management Assistance Program under section 170101(i) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(i)), as added by this section, and submit recommendations to Congress.

**TITLE VII—MURDER AND KIDNAPPING INVESTIGATIONS**

**SEC. 701. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

(a) IN GENERAL.—Chapter 33 of title 28, United States Code, is amended by adding at the end the following:

**“§540B. Investigation of serial killings**

**“(a) IN GENERAL.—**The Attorney General and the Director of the Federal Bureau of Investigation may investigate serial killings in violation of the laws of a State or political subdivision, if such investigation is requested by the head of a law enforcement agency with investigative or prosecutorial jurisdiction over the offense.

**“(b) DEFINITIONS.—**In this section:

**“(1) KILLING.—**The term ‘killing’ means conduct that would constitute an offense under section 1111 of title 18, United States Code, if Federal jurisdiction existed.

**“(2) SERIAL KILLINGS.—**The term ‘serial killings’ means a series of 3 or more killings, not less than 1 of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

**“(3) STATE.—**The term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 33 of title 28, United States Code, is amended by adding at the end the following:

“540B. Investigation of serial killings.”.

**SEC. 702. KIDNAPPING.**

(a) CLARIFICATION OF ELEMENT OF OFFENSE.—Section 1201(a)(1) of title 18, United States Code, is amended by inserting “, regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began” before the semicolon.

(b) TECHNICAL AMENDMENT.—Section 1201(a)(5) of title 18, United States Code, is amended by striking “designated” and inserting “described”.

(c) 24-HOUR RULE.—Section 1201(b) of title 18, United States Code, is amended by adding at the end the following: “Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.”.

**SEC. 703. MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER.**

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the “Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center” (in this section referred to as the “CASMIRC”).

(b) PURPOSE.—The CASMIRC shall be managed by National Center for the Analysis of Violent Crime of the Critical Incident Response Group of the Federal Bureau of Investigation (in this section referred to as the “NCAVC”), and by multidisciplinary resource teams in Federal Bureau of Investigation field offices, in order to provide investigative support through the coordination and provision of Federal law enforcement resources, training, and application of other multidisciplinary expertise, to assist Federal, State, and local authorities in matters involving child abductions, mysterious disappearance of children, child homicide, and serial murder across the country. The CASMIRC shall be co-located with the NCAVC.

(c) DUTIES OF THE CASMIRC.—The CASMIRC shall perform such duties as the Attorney General determines appropriate to carry out the purposes of the CASMIRC, including—

(1) identifying, developing, researching, acquiring, and refining multidisciplinary information and specialties to provide for the most current expertise available to advance investigative knowledge and practices used in child abduction, mysterious disappearance of children, child homicide, and serial murder investigations;

(2) providing advice and coordinating the application of current and emerging technical, forensic, and other Federal assistance to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(3) providing investigative support, research findings, and violent crime analysis to Federal, State, and local authorities in child abduction, mysterious disappearances of children, child homicide, and serial murder investigations;

(4) providing, if requested by a Federal, State, or local law enforcement agency, on site consultation and advice in child abduction, mysterious disappearances of children, child homicide and serial murder investigations;

(5) coordinating the application of resources of pertinent Federal law enforcement agencies, and other Federal entities including, but not limited to, the United States Customs Service, the Secret Service, the Postal Inspection Service, and the United States Marshals Service, as appropriate, and with the concurrence of the agency head to support Federal, State, and local law enforcement involved in child abduction, mysterious disappearance of a child, child homicide, and serial murder investigations;

(6) conducting ongoing research related to child abductions, mysterious disappearances of children, child homicides, and serial murder, including identification and investigative application of current and emerging technologies, identification of investigative searching technologies and methods for physically locating abducted children, investigative use of offender behavioral assessment and analysis concepts, gathering statistics and information necessary for case identification, trend analysis, and case linkages to advance the investigative effectiveness of outstanding abducted children cases, develop investigative systems to identify and track serious serial offenders that repeatedly victimize children for comparison to unsolved cases, and other investigative research pertinent to child abduction, mysterious disappearance of a child, child homicide, and serial murder covered in this section;

(7) working under the NCAVC in coordination with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to provide appropriate training to Federal, State, and local law enforcement in matters regarding child abductions, mysterious disappearances of children, child homicides; and

(8) establishing a centralized repository based upon case data reflecting child abductions, mysterious disappearances of children, child homicides and serial murder submitted by State and local agencies, and an automated system for the efficient collection, retrieval, analysis, and reporting of information regarding CASMIRC investigative resources, research, and requests for and provision of investigative support services.

(d) **APPOINTMENT OF PERSONNEL TO THE CASMIRC.**—

(1) **SELECTION OF MEMBERS OF THE CASMIRC AND PARTICIPATING STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.**—The Director of the Federal Bureau of Investigation shall appoint the members of the CASMIRC. The CASMIRC shall be staffed with Federal Bureau of Investigation personnel and other necessary personnel selected for their expertise that would enable them to assist in the research, data collection, and analysis, and provision of investigative support in child abduction, mysterious disappearance of children, child homicide and serial murder investigations. The Director may, with concurrence of the appropriate State or local agency, also appoint State and local law enforcement personnel to work with the CASMIRC.

(2) **STATUS.**—Each member of the CASMIRC (and each individual from any State or local law enforcement agency appointed to work with the CASMIRC) shall remain as an employee of that member's or individual's respective agency for all purposes (including the purpose of per-

formance review), and service with the CASMIRC shall be without interruption or loss of civil service privilege or status and shall be on a nonreimbursable basis, except if appropriate to reimburse State and local law enforcement for overtime costs for an individual appointed to work with the resource team. Additionally, reimbursement of travel and per diem expenses will occur for State and local law enforcement participation in resident fellowship programs at the NCAVC when offered.

(3) **TRAINING.**—CASMIRC personnel, under the guidance of the Federal Bureau of Investigation's National Center for the Analysis of Violent Crime and in consultation with the National Center For Missing and Exploited Children, shall develop a specialized course of instruction devoted to training members of the CASMIRC consistent with the purpose of this section. The CASMIRC shall also work with the National Center For Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice to develop a course of instruction for State and local law enforcement personnel to facilitate the dissemination of the most current multidisciplinary expertise in the investigation of child abductions, mysterious disappearances of children, child homicides, and serial murder of children.

(e) **REPORT TO CONGRESS.**—One year after the establishment of the CASMIRC, the Attorney General shall submit to Congress a report, which shall include—

(1) a description of the goals and activities of the CASMIRC; and

(2) information regarding—

(A) the number and qualifications of the members appointed to the CASMIRC;

(B) the provision of equipment, administrative support, and office space for the CASMIRC; and

(C) the projected resource needs for the CASMIRC.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 1999, 2000, and 2001.

(g) **CONFORMING AMENDMENT.**—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

## **TITLE VIII—RESTRICTED ACCESS TO INTERACTIVE COMPUTER SERVICES**

### **SEC. 801. PRISONER ACCESS.**

Notwithstanding any other provision of law, no agency, officer, or employee of the United States shall implement, or provide any financial assistance to, any Federal program or Federal activity in which a Federal prisoner is allowed access to any electronic communication service or remote computing service without the supervision of an official of the Federal Government.

### **SEC. 802. RECOMMENDED PROHIBITION.**

(a) **FINDINGS.**—Congress finds that—

(1) a Minnesota State prisoner, serving 23 years for molesting teenage girls, worked for a nonprofit work and education program inside the prison, through which the prisoner had unsupervised access to the Internet;

(2) the prisoner, through his unsupervised access to the Internet, trafficked in child pornography over the Internet;

(3) Federal law enforcement authorities caught the prisoner with a computer disk containing 280 pictures of juveniles engaged in sexually explicit conduct;

(4) a jury found the prisoner guilty of conspiring to trade in child pornography and possessing child pornography;

(5) the United States District Court for the District of Minnesota sentenced the prisoner to 87 months in Federal prison, to be served upon the completion of his 23-year State prison term; and

(6) there has been an explosion in the use of the Internet in the United States, further placing our Nation's children at risk of harm and

exploitation at the hands of predators on the Internet and increasing the ease of trafficking in child pornography.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that State Governors, State legislators, and State prison administrators should prohibit unsupervised access to the Internet by State prisoners.

### **SEC. 803. SURVEY.**

(a) **SURVEY.**—Not later than 6 months after the date of enactment of this Act, the Attorney General shall conduct a survey of the States to determine to what extent each State allows prisoners access to any interactive computer service and whether such access is supervised by a prison official.

(b) **REPORT.**—The Attorney General shall submit a report to Congress of the findings of the survey conducted pursuant to subsection (a).

(c) **STATE DEFINED.**—In this section, the term "State" means each of the 50 States and the District of Columbia.

## **TITLE IX—STUDIES**

### **SEC. 901. STUDY ON LIMITING THE AVAILABILITY OF PORNOGRAPHY ON THE INTERNET.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Attorney General shall request that the National Academy of Sciences, acting through its National Research Council, enter into a contract to conduct a study of computer-based technologies and other approaches to the problem of the availability of pornographic material to children on the Internet, in order to develop possible amendments to Federal criminal law and other law enforcement techniques to respond to the problem.

(b) **CONTENTS OF STUDY.**—The study under this section shall address each of the following:

(1) The capabilities of present-day computer-based control technologies for controlling electronic transmission of pornographic images.

(2) Research needed to develop computer-based control technologies to the point of practical utility for controlling the electronic transmission of pornographic images.

(3) Any inherent limitations of computer-based control technologies for controlling electronic transmission of pornographic images.

(4) Operational policies or management techniques needed to ensure the effectiveness of these control technologies for controlling electronic transmission of pornographic images.

(c) **FINAL REPORT.**—Not later than 2 years after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a final report of the study under this section, which report shall—

(1) set forth the findings, conclusions, and recommendations of the Council; and

(2) be submitted by the Committees on the Judiciary of the House of Representatives and the Senate to relevant Government agencies and committees of Congress.

### **SEC. 902. STUDY OF HOTLINES.**

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Attorney General shall conduct a study in accordance with subsection (b) and submit to Congress a report on the results of that study.

(b) **CONTENTS OF STUDY.**—The study under this section shall include an examination of—

(1) existing State programs for informing the public about the presence of sexual predators released from prison, as required in section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071), including the use of CD-ROMs, Internet databases, and Sexual Offender Identification Hotlines, such as those used in the State of California; and

(2) the feasibility of establishing a national hotline for parents to access a Federal Bureau of Investigation database that tracks the location of convicted sexual predators established under section 170102 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C.

14072) and, in determining that feasibility, the Attorney General shall examine issues including the cost, necessary changes to Federal and State laws necessitated by the creation of such a hotline, consistency with Federal and State case law pertaining to community notification, and the need for, and accuracy and reliability of, the information available through such a hotline.

Amend the title so as to read: "An Act to amend title 18, United States Code, to protect children from sexual abuse and exploitation, and for other purposes."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas (Mr. HUTCHINSON).

#### GENERAL LEAVE

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3494, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HUTCHINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3494, the Child Protection and Sexual Predator Punishment Act of 1998, is a very important piece of legislation that responds to the horrifying threat of sex crimes against children, particularly crimes against children facilitated by the Internet.

The House passed this measure in June by a vote of 416 to zero, and the other body passed the bill with amendments by unanimous consent this past Friday night.

Mr. Speaker, industry experts estimate that more than 10 million children currently spend time on the information superhighway; and by the year 2002, 45 million children will use the Internet to talk with friends, do homework assignments and explore the vast world around them. Computer technologies and Internet innovations have unveiled a world of information that is literally just a mouse click away.

Unfortunately, individuals who seek children to sexually exploit and victimize them are also a mouse click away. Sex offenders who prey on children no longer need to hang out in parks or malls or school yards. Instead, they can roam from web site to chat room seeking victims with little risk of detection.

The anonymous nature of the online relationship allows users to misrepresent their age, gender or interests. Children are rarely supervised while they are on the Internet. Unfortunately, this is exactly what cyber-predators look for.

We are seeing numerous accounts in which pedophiles have used the Internet to seduce or persuade children to meet them to engage in sexual activities. Children who have been persuaded

to meet their new online friend face-to-face have been kidnapped, raped, photographed for child pornography, or worse. Some children have never been heard from again.

Three factors: the skyrocketing online presence of children, the proliferation of child pornography on the Internet and the presence of sexual predators trolling for unsupervised contact with children has resulted in a chilling mix which has resulted in far too many terrible tragedies that steal the innocence from our children and create scars for life.

H.R. 3494 provides law enforcement with the tools it needs to investigate and bring to justice those individuals who prey on our Nation's children and sends a message to those individuals who commit these heinous crimes that they will be punished swiftly and severely.

The other body made some amendments to the House-passed version of this bill, which I think are disappointing. The underlying House bill would have prohibited contacting a minor over the Internet for purposes of engaging in illegal sexual activity. The Senate amendment, which we are considering today, strikes this language.

The House bill also would have established a 3-year minimum term of imprisonment for using that computer to entice or coerce a minor to engage in illegal sexual activity and would have cracked down on serial rapists by mandating life in prison for such repeat offenders. Unfortunately, the Senate amendment strikes this language.

However, there are a good number of things in this bill, and I am convinced the bill will be of great assistance to the criminal justice community.

This bill targets pedophiles who stalk children on the Internet. It prohibits knowingly transferring obscene materials to a minor or an assumed minor over the Internet. This bill also prohibits transmitting or advertising identifying information about a child to encourage or facilitate criminal sexual activity. This bill doubles the maximum prison sentence from 5 to 10 years for enticing a minor to travel across State lines to engage in illegal sexual activity and increases the maximum prison sentence from 10 to 15 years for persuading a minor to engage in prostitution or a sexual act.

In addition to Internet-related crimes, this bill also includes other very important provisions, such as authorizing criminal forfeiture and pretrial detention for Federal sex offenders. The bill also increases the maximum prison sentence from 10 to 15 years for transporting a minor in interstate commerce for prostitution or sexual activity and requires the U.S. Sentencing Commission to review and amend the sentencing guidelines to increase the penalties for a number of Federal sex offenses against children.

This bill doubles prison sentences for abusive sexual contact if the victim is under the age of 12 and doubles the

maximum prison sentence available for second-time sex offenders.

H.R. 3494 gives law enforcement the tools it needs to track down pedophiles, kidnappers and serial killers. The bill allows for administrative subpoenas in certain child exploitation investigations and provides for the immediate commencement of Federal investigations in kidnapping cases.

The bill also allows for the Federal investigation of serial murder offenses when such an investigation is requested by a State or local law enforcement agency with jurisdiction over the offense.

Mr. Speaker, this is a substantive bill that the subcommittee has worked very hard to put together. It is the most comprehensive package of new crimes and increased penalties we have ever developed in response to this horrible problem.

It is a bipartisan effort. It is supported by the administration. Moreover, this bill received a great amount of input from several Members of Congress, Federal, State and local law enforcement, child advocacy groups and victims' parents. Were it not for their invaluable assistance, I would not be proposing this essential package of legislation today.

Mr. Speaker, the chairman, the gentleman from Florida (Mr. MCCOLLUM), could not be here today, but I know he is very pleased that this legislation has received such overwhelming support by the House and Senate and that if it passes today it will go to the President for signature.

This is an important bill, and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the gentleman from Michigan (Mr. CONYERS), who cannot be with us at this time, I rise in support of this timely, much-needed piece of legislation.

H.R. 3494 is a comprehensive response to the horrifying menace of sex crimes against children, particularly assaults facilitated by computers. While there are currently no estimates as to the number of children victimized in cyberspace, the rate at which Federal, State and local law enforcement are confronted with these types of cases is growing at a rapid rate.

The Child Protection and Sexual Predator Punishment Act seeks to address the challenges posed by the new computer age to these challenges by providing law enforcement with the tools it needs to investigate and bring to justice those individuals who prey on our Nation's children.

□ 1430

The legislation makes a number of important changes, principally by targeting pedophiles who stalk children on the Internet and by cracking down on pedophiles who use and distribute

child pornography to lure children into sexual encounters.

This legislation passed the House unanimously last June. However, the Senate made several significant changes to that bill. Many of these changes are worthwhile. For example, this version of the bill contains no mandatory minimum sentences. Although none of us support the type of conduct covered by the bill, it is not productive to tie judges' hands with one-size-fits-all mandatory minimum sentences.

The original House bill was also too broad in that it made it a crime to contact or attempt to contact a minor. This was so broad that it would have covered a simple "hello" in an Internet chat room. Targeting attempts to make contact is like prosecuting a thought crime.

Another overbroad provision in the original House bill would have prohibited transmittal of identifying information about any person under 18 for the purpose of encouraging unlawful sexual activity. This would have had the absurd result of prohibiting a person under the age of 18 from e-mailing her own address or telephone number to her boyfriend. The Senate fixed this problem by making it clear that a violation must involve someone else's identifying information.

Another problematic provision in the original House bill gives the Attorney General sweeping authority to subpoena records and witnesses in investigations involving crimes against children. We need to be extremely careful before we further extend the Justice Department's administrative subpoena authority. This gives Federal agents the power to compel disclosures without any oversight by a Federal judge.

I am also pleased to announce that we have reached accommodation on new reporting requirements for Internet service providers. Under the bill, Internet service providers have a duty to make a report to law enforcement authorities when they obtain knowledge of a material from which a violation of the Federal child pornography laws is apparent. I believe this is stricter than the probable cause standard which has also been proposed and will reduce incentives for over-reporting. This standard is acceptable to providers such as America On Line.

The principal concern that I believe the gentleman from Michigan (Mr. CONYERS) and other Members have, and so do I, with the revised bill, is that it excludes language from the Violence against Women Act II bill that the gentleman from Michigan (Mr. CONYERS) and the gentleman from New York (Mr. SCHUMER) introduced this year and which the House added unanimously. Although the Senate was not ready to expand the rights of women who are subject to horrible abuse, we will continue to fight for them in the future until this bill becomes law.

Mr. Speaker, I reserve the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, I yield three minutes to the distinguished gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I thank my friend from Arkansas for yielding me time.

Mr. Speaker, I am pleased to be here in support of what is very, very important legislation, legislation that is intended to protect children from those who would prey on them using the latest technology. The Child Protection and Sexual Predator Punishment Act is important legislation that has earned bipartisan support, deserves bipartisan support, and I hope will be signed into law by the President soon.

I particularly want to thank the gentleman from Florida (Chairman MCCOLLUM), who is, unfortunately, not with us here today, for his leadership and help on this legislation, as well as Members of the committee for their bipartisan efforts in getting this important legislation through the House, through the Senate and now ready to send to the President.

I would like to speak briefly on a provision I sought to have included in this legislation as a response to an unfortunate incident that occurred in the 11th Congressional District of Illinois in the south suburbs.

In the summer of 1977, the Boehle family in Joliet, Illinois, began receiving telephone calls at all hours of the day and night, strange men asking for their nine year old daughter by name. Now, imagine that. Imagine if you are a parent with a little girl under the age of 10, and at all hours of the day and night strange men are calling asking specifically for your little girl, your daughter, by name.

As a result of that, the family looked into why they were trying to get phone calls, and they discovered that somebody had posted messages on the Internet posing as their nine year old little girl. The messages implied that she was having sex with her father, that she wanted to have sex with other grown men, and that she had photos for sale.

These messages were posted on message boards targeted to pedophiles, and they included her full name, home phone number and her hometown. As a result of these messages, they began receiving these disturbing telephone calls for their nine year old little girl at all hours of the day and night.

When Mrs. Boehle read with horror the messages that were posted about her daughter, she called the police, and they told her that nothing could be done, that there was no law against this type of action.

She contacted the FBI, and they worked for three weeks to try and find a statute, a law, they could use to prosecute the perpetrator, and they came up empty.

The police advised the Boehle family to move, which they did. While they

knew that nothing could be done legally, they knew that any pedophile that read these messages could find their home and find their daughter. Due to this grave danger, they sold their home, uprooted their lives, left their church and schools and moved out of their community.

At this time Mrs. Boehle contacted me seeking help. As a result of working in response to Mrs. Boehle's leadership and with the help of local, state and Federal law enforcement, I introduced H.R. 2815, the Protecting Children from Internet Predators Act. I want to thank the gentleman from Florida (Chairman MCCOLLUM) for including this important piece of legislation as an amendment to H.R. 3494. This provision will make it illegal to use the Internet to transmit the name, telephone number or other identifying information of a child.

Mr. Speaker, we need to do everything we can to ensure that the wierdos, the whackos, the slimeballs, those who would use the latest technology to prey on children and their families, are stopped. I applaud the work of the Committee on the Judiciary and applaud the work of the House and ask unanimous support for this legislation.

[From the Herald News, Apr. 19, 1998]

FREE SPEECH, CHILD SAFETY AT ODDS

(By Dori Meinert)

WASHINGTON.—You say your 10-year-old daughter needs to do a little research for a school paper on the government?

If she logs on to an innocuous looking address that includes the word "whitehouse," you'll both be in for a surprise.

Instead of information about the president, she'll see a scantily clad woman lying on an American flag. The Web site boasts that it's "one of the most controversial and erotic Web sites in the world."

Such sites are noted by some in Congress to argue in support of federal regulation of the Internet, which some 62 million Americans now are using.

How can society protect both free speech and children in cyberspace?

That's the problem that faces members of Congress this spring as they sort through several bills introduced since the Supreme Court last year overturned the Communications Decency Act, which would have banned the dissemination to minors any material that is "indecent" or "patently offensive."

Given the huge constitutional issues involved and the shortened congressional work schedule this year, it's unclear whether any of these bills will be enacted before Congress adjourns this fall.

However, if any of the more than 50 Internet-related bills stand a chance of passage in this election year, it would be those that aim to protect children, observers say.

CONGRESS IN QUANDARY

"Congress is in a quandary," said Jeff Chester, executive director of the Center for Media Education, which advocates Internet regulation to protect children. The various bills set different age limits for "minors," ranging from age 16 to 18.

"Clearly, we need to put some laws in place to protect some children and youth who are online. The goal is to strike a balance that nurtures the First Amendment potential of the Internet, but at the same time safeguards our privacy," Chester said.

On Thursday, the House crime subcommittee is scheduled to hold a hearing on proposals for protecting kids from cyber-predators.

Among those expected to testify are Deborah Boehle of Kane County, whose family has filed a \$3 million civil suit against a former neighbor in Joliet for allegedly posting their 9-year-old daughter's name and phone number on 14 Internet newsgroups with messages indicating she was available for sex.

The family says it was forced to move from their Joliet home out of fear that a pedophile would show up on their doorstep.

Rep. Jerry Weller, R-Morris, and Sen. Carol Moseley-Braun, D-Ill., have proposed legislation attempting to punish those who solicit children for criminal acts over the Internet.

Moseley-Braun, who is expected to introduce her bill next week, has been working with the American Civil Liberties Union (ACLU) to craft a narrowly tailored version that could survive a court challenge.

#### PREDATORS LOOM

A growing concern for law-enforcement agencies are predators who lure children into on-line "chat rooms" and eventually to real-life meetings.

Rep. Bill McCollum, R-Fla., who chairs the House crime subcommittee, has proposed legislation that would prohibit contacting a minor over the Internet for the purposes of engaging in illegal sexual activity and knowingly transferring obscene materials to a minor over the Internet.

Next month, the Senate may hold a "high-tech" week devoted to several Internet-related bills, including those aimed at protecting children.

Senate Commerce Committee Chairman John McCain, R-Ariz., has been discussing that possibility with Senate Majority Leader Trent Lott, R-Miss., McCain's aide said.

One proposal likely to come up for a floor vote that week is McCain's bill that would require public schools and libraries to use special "filtering" technology to keep children from gaining access to pornographic materials on the Internet. The Commerce Committee approved the bill last month.

The Senate also may take up a bill introduced by Sen. Dan Coats, R-Ind., that would ban commercial distribution over the Web of materials considered "harmful to minors."

Coat's bill presents the same constitutional problems as its predecessor, the Communications Decency Act, which was overturned by the Supreme Court last June, said ACLU Washington staff counsel Cassidy Sehgal.

Yet, "Everyone says that if they vote against an anti-pornography bill in an election year, it would be politically devastating," Sehgal said.

The nation's high court said the Communications Decency Act, which was aimed at protecting children, was so broad that it would have restricted adult conversations. The justices ruled that the Internet is entitled to the broadest free-speech protections.

#### FILTERING TECHNOLOGY

McCain's bill requiring special technology to filter out pornography at schools and libraries would place an added financial burden on poorer communities, which then may not be able to afford Internet access, Sehgal said.

The ACLU argues that such filtering software—which could cost an initial \$8,000 and \$3,000 a year to be maintained—is tantamount to "removing books from the shelves" of the Internet that have value to adults and children alike. The ACLU has had some initial victories in the filtering battle in the lower courts.

The Washington-based Electronic Privacy Information Center tested some filtering

software and found it blocked access to almost 90 percent of Internet sites that mentioned common phrases such as "American Red Cross," "Bill of Rights," and "Smithsonian Institution."

The Clinton administration and many in Congress are reluctant to restrict the burgeoning information technology industry, preferring instead to encourage voluntary self-monitoring.

"The Internet is Aladdin's lamp," Chester said. "Rub it the right way and it will transform the American economy and the political system and enrich us all. On the other hand, that genie out of the bottle is likely to be an insidious monster robbing us of privacy."

[From the Courier News, Mar. 18, 1998]

#### INTERNET ABUSE SHOWS NEED FOR SPEECH LIMITS

(By Deborah Boehle)

What would you do if you discovered that your 9-year old daughter's name and phone number had been posted by someone on 14 Internet newsgroups, along with messages that were invitations to pedophiles to call her 24 hours a day?

When this happened to us last August, we called the police, but it was like a slap in the face to be told that little could be done. I couldn't believe that this was not illegal, so I called the state police, the FBI, the state's attorney, the attorney general and many more government offices.

In fact, I was on the phone all day. Person after person told me that this was not against the law. After all, when the Supreme Court struck down the Communications Decency Act only two months earlier, they had reinforced the right of Americans to say anything on the Internet.

Our life had been turned upside-down. A part of our daughter's childhood had been stolen from her. She was now fearful of things that she should not even know exists, and everybody kept talking about the other guy's rights. We're not even talking about criminals' right here, because this person had not committed a crime. Why is there not a law to protect my daughter's rights and her well-being?

By using a reverse directory on the Internet, any pedophile could have our complete address within seconds. With only one more click of the mouse, a pedophile could even have a map of our neighborhood. Was there a pedophile out there crazy enough to come looking for our neighborhood? Those messages clearly stated that she wanted to have sex with grown men, and the messages even promised pornographic pictures.

The police advised us to move—to leave our neighborhood, our town, our friends, our church and our children's school. Although we could not afford to do so, we felt that no price was too high to pay for our daughter's safety.

Since moving to our new home, I have been working to get legislation passed that would make it illegal for anyone to put personal information on the Internet that could be used to target a child for sexual contact. U.S. Rep. Jerry Weller, R-Morris, introduced legislation in the U.S. House last November, but it will not be an easy task to get this legislation passed.

Our first nemesis is right here in Illinois: U.S. Sen. Richard Durbin. According to staffers Joel Wiggington in the Washington, D.C., office and Adrienne Jones in the Chicago office, Durbin refuses to support any legislation such as this because he believes it is unconstitutional. There is a price we pay for democracy, but giving citizens unlimited free speech at the expense of children's lives is too high a price.

As a reporter myself, I am very protective of my First Amendment rights, but no one needs to have the right to endanger children's lives. The Constitution was written to protect the citizens of this country, not to put us at risk. When the writers of the Constitution said we had a right to bear arms, they were talking about a musket, not a fully automatic rifle. They said we had a right to express ourselves freely so that we could voice our opinion in a newspaper column and not be tarred and feathered. They could not have even imagined that someday there would be a medium such as the Internet that would allow citizens to write something that could endanger a child's life and that it could be read by millions.

Durbin clearly sees that there are limits to the Fourth Amendment because there is no reason that a law-abiding citizen would need to purchase a fully automatic rifle to go duck hunting. And there are limits to the First Amendment. While pornography is not illegal, child pornography is. It is illegal to shout fire in a crowded theater because it is dangerous. Certainly, it should be illegal to write something on the Internet that can endanger a child's life or well-being. We don't need any more laws named after dead little girls. Let us pass a law now.

Mr. HUTCHINSON. Mr. Speaker, I yield three minutes to the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as cochair of the Missing and Exploited Children's Caucus, I wanted to congratulate the gentleman from Florida (Chairman MCCOLLUM), the gentleman from Illinois (Chairman HYDE) and the members of the Committee on the Judiciary for their excellent work on this bill.

I rise to briefly turn my colleagues' attention to two of its important provisions. But first I want to share with you a tragic incident which was covered in depth this morning on NBC's Today Show.

Twenty-five years ago, seven year old Joan D'Alessandro left her home in Hillsdale, New Jersey, to deliver Girl Scout cookies to a neighbor. Three days later, that neighbor, a 26 year old schoolteacher, confessed to sexually molesting and then murdering little Joan.

But for the D'Alessandro family, the nightmare had just begun. For the past 12 years, they have had to live with the very real prospect that one day soon their daughter's killer would be set free. Rosemarie D'Alessandro, Joan's mother, has been fighting this terrible injustice. She has been the driving force behind a provision in this bill that would mandate a sentence of no less than life imprisonment with no opportunity for early release for anyone who commits a serious violent felony which results in the death of a child.

Thanks to this bill, no family will ever have to endure the double tragedy of losing a child to an act of violence and then seeing their child's killer walk out of prison a free man.

Another important provision of this bill addresses a new and growing threat to our children, child exploitation in cyberspace. It would require the providers of Internet services to report

evidence of child pornography to law enforcement authorities. Importantly, Internet service providers would be protected from criminal or civil liability if they acted in good faith to assist in the effort to prosecute peddlers of kiddie porn. The requirement now in this bill is similar to the one that we already impose on photo development labs when they discover evidence of child exploitation. With this provision, law enforcement will have a powerful new tool in combating child pornography in cyberspace.

I strongly support these measures, as well as the rest of the underlying bill, and urge my colleagues to join me in sending it to the President.

Mr. HUTCHINSON. Mr. Speaker, I yield two minutes to the other gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 3494, the Child Protection Sexual Predator Punishment act. I am a cosponsor of this legislation and I am glad we will be able to send this bill to the President for his signature so we can better protect children from sexual predators.

Mr. Speaker, the Internet offers a wonderful way to expand the knowledge and creativity of our nation's children. This bill is an important investment by furthering Internet technologies that keep our families safe. With more young people using the Internet every day, this is very timely.

Moreover, I too am from a state, the State of New Jersey, which has seen its unfortunate share of sexual predators praying upon young children. Megan Kanka and Amanda Wengart are two victims of tragic situations where child predators have caused devastating harm to families and communities.

I have met with Karen Wengart, Amanda's mother, and her hard work to close loopholes on both the state and Federal levels has inspired me to do more in my role as a Federal official.

This bill will toughen the laws on those who molest children, those who traffic in child pornography, and those who try to entrap unsuspecting children and urges governors, legislators, and prison administrators to prohibit unsupervised access to the Internet by state prisoners. It is a good step in furthering our bipartisan efforts to stop child pornography.

I commend the gentleman from Florida (Mr. MCCOLLUM) for listening to the concerns of people like me who want this Congress to do more to end pain to families such as those we have mentioned when our children are killed or are the victims of sex crimes.

I urge all Members support this bill. Mr. HUTCHINSON. Mr. Speaker, I yield three minutes to the gentleman from Washington (Ms. DUNN).

(Ms. DUNN asked and was given permission to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, I rise today for mothers and dads all over this

country who are doing everything they can to keep their children safe and innocent but may not be aware of the pedophiles who break into our homes by cruising the Internet.

In this age of ever-expanding technology and personal computers in so many homes, pedophiles are increasingly using the anonymity of the Internet to pose as minors and befriend children who are unknowingly lured into dangerous situations.

With both Megan's Law and the Jacob Wetterling Crimes Against Children Act, we told sexual offenders you can run, but you can't hide. These laws have given neighborhoods a greater sense of security by informing them when a sexual predator might be living in their midst.

But what about cyber-predators? They may live anywhere; in our neighborhood, in another state, across the country, and yet they still have access to our children. These predators think that they can hide behind the faceless, voiceless world of the Internet. Make no mistake, they are wrong.

That is why the McCollum-Dunn bill is so critical to families across America. This legislation helps law enforcement crack down on pedophiles who no longer offer candy to unsuspecting children on the playground, but now offer companionship to children through an Internet chat room.

This bill tells sexual predators that the information superhighway is not a detour for deviant behavior. We will not stop until we enable every mother and father to feel secure that their children are safe from violence, at school, at home and in the neighborhood.

McCollum-Dunn will ensure that cyber-predators become real live prisoners by providing law enforcement with the tools it needs to bring to justice those who would prey on our children. By allowing the immediate commencement of Federal investigations in kidnapping cases, the FBI can begin investigating a missing person's report without waiting for 24 hours.

□ 1445

When an abducted child is not found in the first 24 hours, it becomes far more difficult to find that child at all.

By clarifying this rule, this bill offers parents greater peace of mind that their child will be found quickly and that he will not be frustrated by the inaction of law enforcement.

Additionally, McCollum-Dunn metes out harsher penalties for sexual predators. By doubling maximum prison sentences and tightening child pornography statutes, this bill cracks down on criminals who would use legal loopholes to escape punishment.

Mr. Speaker, I believe this is the most important legislation to protect children and give parents peace of mind of any law since Megan's Law, which stemmed from Washington State after the tragic death of my friend, Diane Ballasiotes. As a mother and as

a legislator, I understand what the protections in this legislation mean to parents all over the country, and I urge my colleagues to support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. HUTCHINSON. Mr. Speaker, let me acknowledge the leadership of the gentlewoman from Washington on this issue.

Mr. RILEY. Mr. Speaker, I rise today in support of H.R. 3494, the Child Protection and Sexual Predator Punishment Act of 1998. I would also like to commend the gentleman from Florida for introducing this important legislation and agreeing to include my legislation, H.R. 3185, the Abolishing Child Pornography Act, as a portion of this bill.

In my view, this bill will go a long way to protect our children from those who choose to stalk them as their prey.

No longer will it be legal for anyone to use the Internet to contact a child for sexual purposes.

No longer will prisoners in our jails be allowed unrestricted and unsupervised access to the Internet so they can continue to victimize our children.

No longer will anyone be allowed to possess any amount of child pornography for any reason.

And, no longer will it be difficult to prosecute these crimes nor will the penalties be light.

Mr. Speaker, this bill sends a very clear and very strong message to these sexual predators: Whether it is over the Internet or on the playground, stay away from our children or pay the price.

I urge my colleagues in the House to vote in favor of H.R. 3494—our children deserve nothing less.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3494, the Protection of Children From Sexual Predators Act of 1998, as introduced by Representative MCCOLLUM.

This bill amends the Federal Criminal Code to prohibit and penalize any individual using the mail or Internet to transmit the name, phone number, address, or electronic mail address of a person under the age of 16, with the intent of enticing, offering, soliciting or encouraging illegal sexual activity.

The Internet, although a remarkable source of information and knowledge, makes it all too easy for pedophiles to illegally contact our children and engage in inappropriate communication and contact with them.

H.R. 3494 provides prosecution for those individuals producing child pornography if the visual portrayal was produced with materials mailed, shipped or transported by interstate or foreign commerce—including via the Internet. This bill also prohibits using the mail or Internet to knowingly transfer obscene matter to another individual known to be under the age of 16.

The Protection of Children From Predators Act recognizes the extremely serious nature of child pornography and abuse, and imposes harsh penalties on pedophiles. Some of the provisions of this bill would double the maximum term of imprisonment for abusive sexual contact with children under age 12. Additionally, H.R. 3494 provides pre-trial detention of those who commit specified Federal sex offenses involving transportation of a minor for

illegal sexual activity. It also sets fines for initial and subsequent failures by computer service providers to report violations of specified offenses involving child pornography.

Children should not be cheated of the benefits of learning that the Internet offers them, because of the existence of pedophiles on the Internet. Parents and teachers should not be fearful that when a child logs on to his or her computer, that they will be the victim of a child predator.

H.R. 3494 is a strong step towards fighting child pornography and abuse, and institutes much-needed precautions and penalties to ensure the safety of our children. I know that my colleagues will join me in supporting this worthwhile legislation.

Mrs. HUTCHINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BASS). The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3494.

The question was taken.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### CODIFYING LAWS RELATED TO PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES AND ORGANIZATIONS

Mr. HUTCHINSON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2524) to codify without substantive change laws related to Patriotic and National Observances, Ceremonies, and Organizations and to improve the United States code.

The Clerk read as follows:

S. 2524

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TITLE 36, UNITED STATES CODE.

Title 36, United States Code, is amended as follows:

(1) In section 902, strike subsections (b) and (c) and substitute the following:

“(b) REQUIRED DISPLAY.—The POW/MIA flag shall be displayed at the locations specified in subsection (d) of this section on POW/MIA flag display days. The display serves—

“(1) as the symbol of the Nation's concern and commitment to achieving the fullest possible accounting of Americans who, having been prisoners of war or missing in action, still remain unaccounted for; and

“(2) as the symbol of the Nation's commitment to achieving the fullest possible accounting for Americans who in the future may become prisoners of war, missing in action, or otherwise unaccounted for as a result of hostile action.

“(c) DAYS FOR FLAG DISPLAY.—(1) For purposes of this section, POW/MIA flag display days are the following:

“(A) Armed Forces Day, the third Saturday in May.

“(B) Memorial Day, the last Monday in May.

“(C) Flag Day, June 14.

“(D) Independence Day, July 4.

“(E) National POW/MIA Recognition Day.

“(F) Veterans Day, November 11.

“(2) In addition to the days specified in paragraph (1) of this subsection, POW/MIA flag display days include—

“(A) in the case of display at medical centers of the Department of Veterans Affairs (required by subsection (d)(7) of this section), any day on which the flag of the United States is displayed; and

“(B) in the case of display at United States Postal Service post offices (required by subsection (d)(8) of this section), the last business day before a day specified in paragraph (1) that in any year is not itself a business day.

“(d) LOCATIONS FOR FLAG DISPLAY.—The locations for the display of the POW/MIA flag under subsection (b) of this section are the following:

“(1) The Capitol.

“(2) The White House.

“(3) The Korean War Veterans Memorial and the Vietnam Veterans Memorial.

“(4) Each national cemetery.

“(5) The buildings containing the official office of—

“(A) the Secretary of State;

“(B) the Secretary of Defense;

“(C) the Secretary of Veterans Affairs; and

“(D) the Director of the Selective Service System.

“(6) Each major military installation, as designated by the Secretary of Defense.

“(7) Each medical center of the Department of Veterans Affairs.

“(8) Each United States Postal Service post office.

“(e) COORDINATION WITH OTHER DISPLAY REQUIREMENT.—Display of the POW/MIA flag at the Capitol pursuant to subsection (d)(1) of this section is in addition to the display of that flag in the Rotunda of the Capitol pursuant to Senate Concurrent Resolution 5 of the 101st Congress, agreed to on February 22, 1989 (103 Stat. 2533).

“(f) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the POW/MIA flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

“(g) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the POW/MIA flag.”

(2) In section 2102(b), strike “designated personnel” and substitute “personnel made available to the Commission”.

(3) In section 2501(2), insert “solicit,” before “accept.”

(4)(A) Insert after chapter 201 the following:

#### “CHAPTER 202—AIR FORCE SERGEANTS ASSOCIATION

“Sec.

“20201. Definition.

“20202. Organization.

“20203. Purposes.

“20204. Membership.

“20205. Governing body.

“20206. Powers.

“20207. Restrictions.

“20208. Duty to maintain corporate and tax-exempt status.

“20209. Records and inspection.

“20210. Service of process.

“20211. Liability for acts of officers and agents.

“20212. Annual report.

#### “§ 20201. Definition

“For purposes of this chapter, ‘State’ includes the District of Columbia and the territories and possessions of the United States.

#### “§ 20202. Organization

“(a) FEDERAL CHARTER.—Air Force Sergeants Association (in this chapter, the ‘corporation’), a nonprofit corporation incorporated in the District of Columbia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with any provision of this chapter, the charter granted by this chapter expires.

#### “§ 20203. Purposes

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) helping to maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard;

“(2) supporting fair and equitable legislation and Department of the Air Force policies and influencing by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force;

“(3) actively publicizing the roles of enlisted personnel in the United States Air Force;

“(4) participating in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force;

“(5) providing for the mutual welfare of members of the corporation and their families;

“(6) assisting in recruiting for the United States Air Force;

“(7) assembling together for social activities;

“(8) maintaining an adequate Air Force for our beloved country;

“(9) fostering among the members of the corporation a devotion to fellow airmen; and

“(10) serving the United States and the United States Air Force loyally, and doing all else necessary to uphold and defend the Constitution of the United States.

“(b) CORPORATE FUNCTION.—The corporation shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

#### “§ 20204. Membership

“(a) ELIGIBILITY.—Except as provided in this chapter, eligibility for membership in the corporation and the rights and privileges of members are as provided in the bylaws and articles of incorporation.

“(b) NONDISCRIMINATION.—The terms of membership may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

#### “§ 20205. Governing body

“(a) BOARD OF DIRECTORS.—The board of directors and the responsibilities of the board are as provided in the bylaws and articles of incorporation.

“(b) OFFICERS.—The officers and the election of officers are as provided in the bylaws and articles of incorporation.

“(c) NONDISCRIMINATION.—The requirements for serving as a director or officer may not discriminate on the basis of race, color, religion, sex, disability, age, or national origin.

#### “§ 20206. Powers

“The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

#### “§ 20207. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.